IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

Bail Appl..No. 7676 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.6767/2007 Dated 13/11/2007
CRIME NO.217/07 OF NENMARA POLICE STATION

.....

: PETITIONER/ACCUSED

MEERAN @ BEERAN, AGED 38 YEARS,
S/O PAREEKUTTY, KIZHAKKEDATHU HOUSE,
MURUKKUNMTHOTTY KARA, POOPPARA VILLAGE,
PEERUMEDU TALUK, IDUKKI DISTRICT.

BY ADV. SRI.PADAYATTEE YELDO

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, NERUNARA POLICE STATION,
REPRESENTED BY THE GOVT. PLEADER,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7676 of 2007

Dated this the 17th day of December, 2007

ORDER

Application for regular bail. Petitioner faces allegations in a crime registered for offences punishable under Sections 399 and 402 I.P.C. The alleged incident took place on 16.09.07. Some of the co-accused were arrested on that day. The petitioner allegedly took to his heels and he could not be arrested on that date. He was later arrested in some other crime on 18.11.07. His arrest has been recorded in the present crime w.e.f 20.11.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that in the peculiar facts and circumstances of this case, mercy may be shown to the petitioner. His father has expired, after he was taken into custody, on 04.12.07. The petitioner has to perform the obsequies in relation to the death of his father. That function falls due on 29.12.07. The petitioner may be released on bail at this stage by that date, so that he can participate in that function.

3. The learned Public Prosecutor after taking instructions submits that on verification of the assertion that the petitioner's father expired after his arrest is found to be true and in the peculiar facts and circumstances of this case, the State has no objection against the release of the petitioner on bail on a later date so that the petitioner can participate in the performance of obsequies in relation to the death of his father.

4. I am satisfied that the petitioner can now be directed to be released on bail subject to appropriate terms and conditions.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on the strength of this order prior to 28.12.2007. The Investigators shall in the meantime make every endeavour to complete the investigation;

ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of 3 months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-